ARTICLE 14   ENFORCEMENT

1400   CRIMINAL PENALTY

Except as otherwise provided, any person found guilty of violating any provisions of this Land Development Code, any amendment hereto, or any order or regulation made hereunder (collectively, the "Code"), including the failure to perform any act or duty so required, shall be guilty of a class one misdemeanor and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars ($2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.   Probation may be imposed in accordance with the provisions of Arizona Revised Statutes, Title 13, Chapter 9.   Each day that any violation continues shall be a separate offense punishable as above described or by civil sanction.

1401   CIVIL CITATION AUTHORITY

1401.01   Commencement of Action.

A.   In the alternative and in the sole discretion of a peace officer or the code enforcement officer, an action for violation of this Code, any amendment hereto or any order or regulation made hereunder, including the failure to act or perform any duty so required, may be commenced by issuance of a civil citation. Each day that any violation continues shall be a separate offense subject to civil sanction or criminal penalty.

B.   The civil citation will be substantially in the same form and format as the Arizona Traffic Ticket and Complaint standard form and shall direct the defendant to appear in Sedona Magistrate Court at a time certain. The time for appearance will be specified on the face of the citation and will be in compliance with all Sedona Magistrate procedures.

C.   The citation will further notify the defendant that if he fails to appear on or before the date specified in the complaint, a judgement by default will be entered against him and the court may, in its discretion, impose a civil sanction not to exceed Two Hundred Fifty Dollars ($250.00).

D.   Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:

1.   By having the defendant sign the citation with the promise to appear in court on or before the date specified on the face of the citation.

2.   If the defendant refuses to sign the citation, then the officer shall hand-deliver a copy of the citation to the defendant and note on his copy of the citation the date and time of hand-delivery to the defendant.

3.   By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.

4.   In the event that service cannot be accomplished as set forth in subsections (1), (2), or (3) above, the defendant may be served by any means contemplated or allowed by the Arizona Rules of Civil procedure or the Arizona Rules of Practice for the Superior Court.

1401.02   Authority to Issue Civil Citation.   Any peace officer of the Sedona Police Department may issue a civil citation pursuant to this section.   In addition, the Code Enforcement Officer is hereby granted authority to issue a civil citation pursuant to this section.

1401.03   Appearance by Defendant.   The defendant shall appear within the time specified on the face of the citation in person or through his attorney. Appearance shall be at the Sedona Magistrate Court in Sedona, Arizona.   At the time of appearance, the defendant shall either admit or deny the allegations contained in the citation.   In the event the defendant admits the allegations, the court shall enter judgment against the defendant and, in its discretion, may impose a civil sanction not to exceed Two Hundred Fifty Dollars ($250.00) for the violation.   If the defendant denies the allegations contained in the citation, the court shall set a date for the trial of the matter.

1401.04 Default Judgment

A. If the defendant fails to appear as directed on the citation, the court may enter a default judgment and may, in its discretion, impose a civil sanction not to exceed Two Hundred Fifty Dollars ($250.00) for the violation.

B. If the defendant fails to appear for the trial, the defendant's failure to appear shall constitute an admission of the offense and the court shall enter judgment against the defendant and may, in its discretion, impose a civil sanction not to exceed Two Hundred Fifty Dollars ($250.00) for the violation.

1401.05 Rules of Procedure. The Arizona Rules of Court for Civil Traffic Violations may be followed by the Sedona Magistrate Court for civil citation proceedings under this section except as modified or where inconsistent with the provisions of this section, local rules, Arizona Revised Statutes, or Rules of Court for courts in the State of Arizona.

1401.06 Collection of Civil Sanctions. Any judgment for civil sanction taken pursuant to this section may be collected as any other civil judgment. Such collection shall be in accordance with the common law of the State of Arizona, Arizona Revised Statutes, and all other applicable rules and regulations. Said sanctions are subject to any exemptions contained in the laws of the State of Arizona.

1402 INJUNCTION

A. If any building, structure or improvement is constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, improvement or land is used in violation of this Code, including any amendment hereto or any order or regulation made hereunder, the City, or any owner or tenant of real property in the same or an adjoining zoning district as the building, structure, improvement or land in question, in addition to other remedies, may institute any appropriate action or proceedings including but not limited to the following:

1. To prevent the construction, reconstruction, alteration, repair, conversion, maintenance, or use;

2. To prevent the occupancy of the building, structure, improvement or land;

3. To prevent any illegal, unauthorized or prohibited act, conduct, business or use in or about the premises;

4. To restrain, correct or abate the violation.

B. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the City of Sedona at the time suit is begun, by filing a copy of the complaint with the City Clerk.

C. In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purpose of this Code.

1403 NUISANCE

Any building or structure erected or maintained, or any improvement made, or any use of property not in accordance with the provisions of this Code, any amendments hereto, or any order or regulation made hereunder is unlawful and prohibited, and deemed a public nuisance per se.

1404 REMEDIES NOT EXCLUSIVE

Any violation of this Code, any amendment hereto, or any order or regulation made hereunder is in addition to any other violation enumerated in other Sedona ordinances and the Sedona City Code, and in no way limits the penalties, actions or abatement procedures which may be taken by the City of Sedona for any violation of this Code which is also a violation of any other ordinance or City Code provision or statutes of the State of Arizona. All remedies concerning this Code shall be cumulative and not exclusive. Conviction and punishment or judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing

prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.

1405 ADMINISTRATION

The City Manager, City Attorney and Prosecutor, peace officers of the Sedona Police Department, the Code Enforcement Officer, the Zoning Administrator and all officials charged with the issuance of licenses or permits shall enforce the provisions of this Code, any amendment hereto, and any order or regulation made hereunder. Any license, permit or certificate issued which conflicts with or is not in accordance with this Code is void.